

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN,

Plaintiff,

No. CIV S-02-2645 GEB KJM P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983.

On May 2, 2006 the court ordered plaintiff to submit the documents necessary to effectuate service of process upon defendants Braida, T. Cole, Fleischman and Halsath. Plaintiff submitted the required documents but failed to include correct addresses on the USM 285 forms. In a letter submitted June 19, 2006, plaintiff admits that he was not aware of addresses for Braida, T. Cole, Fleischman and Halsath.

On September 21, 2006, plaintiff filed a document indicating that he has now obtained addresses for Braida, Fleischman and Halsath. Plaintiff still has not obtained an address for T. Cole. Good cause appearing, plaintiff will be given one final opportunity to provide the court with the necessary documents so that process may be served on defendants

1 Braida, Fleischman and Halsath. The court will recommend that T. Cole be dismissed because
2 plaintiff has not obtained his address, has not indicated how he might obtain his address or
3 reasonably indicated to the court how the court may assist plaintiff in obtaining Cole's address.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. The Clerk of the Court is directed to send to plaintiff three USM-285 forms,
6 along with an instruction sheet and a copy of the second amended complaint filed December 20,
7 2004.

8 2. Within sixty days from the date of this order, plaintiff shall complete and
9 submit the attached Notice of Submission of Documents to the court, with the following
10 documents:

11 a. One completed USM-285 form each for defendant Braida, Fleischman
12 and Halsath; and

13 b. Four copies of the endorsed second complaint filed December 20,
14 2004.

15 IT IS HEREBY RECOMMENDED that defendant T. Cole be dismissed.

16 These findings and recommendations are submitted to the United States District
17 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
18 days after being served with these findings and recommendations, plaintiff may file written
19 objections with the court. The document should be captioned "Objections to Magistrate Judge's
20 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
21 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
22 F.2d 1153 (9th Cir. 1991).

23 DATED: May 2, 2007.

24 
25 U.S. MAGISTRATE JUDGE
26

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NOTICE OF SUBMISSION
OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed USM-285 forms

_____ copies of the _____
Second Amended Complaint

DATED:

Plaintiff